

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

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#8  
JM  
9/14/01

In re the Application of	)	Examiner: V. Ford
	)	
Marcin S. Filutowicz	)	
	)	Group Art Unit: 1645
Application No. 09/651,290	)	
	)	
Filed: June 29, 2000	)	Response to Paper No. 7
	)	
For: Antimicrobial Biotherapeutic	)	
Agents: Alternatives to Conventional	)	
Pharmaceutical Antibiotics	)	

Response to Restriction Requirement

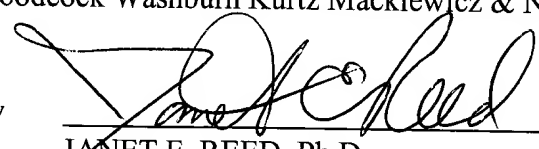
Please amend the above-identified patent application by canceling claims 13 and 29.

Remarks

In response to a Restriction Requirement issued August 3, 2001, Applicant elects for prosecution Invention Group I, claims 1-12, 14-27 and 29-30. The remaining claims 13 and 29 have been canceled as drawn to a non-elected invention. This cancellation is made without prejudice, and Applicant reserves the right to file one or more continuing applications on the subject matter of the non-elected claims.

Respectfully submitted,

Woodcock Washburn Kurtz Mackiewicz & Norris, LLP

By   
JANET E. REED, Ph.D.  
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DOCKET NO.: WARF-0135



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

TECH CENTER 1600/2900

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**In Re Application of:**

Marcin S. Filutowicz

**Serial No.:** 09/651,290

**Group Art Unit:**

**Filing Date:** June 29, 2000

**Examiner:**

**For:** Antimicrobial Biotherapeutic Agents: Alternatives to Conventional Pharmaceutical Antibiotics

DATE OF DEPOSIT: August 30, 2001

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231

TYPED NAME: Janet E. Reed, Ph.D.  
REGISTRATION NO.: 36,252

Box ☒ NON-FEE

☐ AF

Assistant Commissioner for Patents  
Washington DC 20231

Sir:

**AMENDMENT TRANSMITTAL LETTER**

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☐ An Amendment Responsive to the Office Action Dated \_\_\_\_\_.
- ☐ An Amendment Supplemental to the Paper filed \_\_\_\_\_.
- ☒ Other: Response to Restriction Requirement issued August 3, 2001

- ☒ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:
- ☐ an Independent Inventor
  - ☐ a Small Business Concern
  - ☐ a Nonprofit Organization
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the Patent and Trademark Office.
- ☐ Substitute Pages \_\_\_\_\_ of the Specification are enclosed.
- ☐ An Abstract is enclosed.
- ☐ \_\_\_\_\_ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications: \_\_\_\_\_  
\_\_\_\_\_ is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
  - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ Appended Material as follows: \_\_\_\_\_.
- ☐ Other Material as follows: \_\_\_\_\_.

## FEE CALCULATION



No Additional Fee is Due.

				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	28	30 (20 MINIMUM)	0	\$9 EACH	\$0	\$18 EACH	\$
INDEP. CLAIMS	3	4 (3 MINIMUM)	0	\$40 EACH	\$0	\$80 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$135	\$0	\$270	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$0	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$195	\$0	\$390	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$445	\$0	\$890	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$695	\$0	\$1390	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$945	\$0	\$1890	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$0 )	minus	(\$ )
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$0	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE					0		\$



A Check is Enclosed in the Foregoing Amount Due.



Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of @@ to and through @@ comprising an extension of the shortened statutory period of @@ month(s).



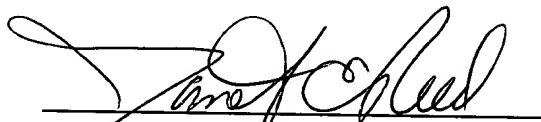
The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☐ The Foregoing Amount Due for Filing this Paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date:

8/30/01



Janet E. Reed, Ph.D.

Registration No. 36,252

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